

w/o

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION: 6

by HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: July 27, 2010

FILED

DATE: July 27, 2010

4:25 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 29

NATURE OF PROCEEDINGS

COURT REPORTER

Kathy Johnston

START TIME: 8:43 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

Court convenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys.
The Jury is not present.

The Court notes that it has received a motion to delay the trial. The motion to delay is **DENIED**.

With regard to Theresa Kennedy's testimony, the Court believes that the testimony that has been admitted is in accordance with Judge Lindberg's ruling. The Court agrees that the ruling on page 6 defines what can be done. With regard to the tracking testimony, Theresa Kennedy can testify as to why she did what she did. Any suggestion of expertise in defining a specific shoe shall be avoided.

Discussion takes place with regard to a message from a Juror.

~*~*~*~*~ Recess – 9:05 a.m. ~*~*~*~*~

At 9:48 a.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Theresa Kennedy, having been previously sworn, testifies further.

Exhibit 2487 is admitted into evidence without objection.

Court and Counsel hold a discussion at sidebar, off the record.

Exhibit 2522 is offered. Defense Counsel objects. The objection is sustained and the exhibit is not admitted.

Exhibit 2522 is re-offered. Defense Counsel objects. The objection is sustained and the exhibit is not admitted.

Exhibit 2523 is admitted into evidence without objection.

Exhibit 2524 is admitted into evidence without objection.

Exhibit 2525 is admitted into evidence without objection.

Exhibit 2526 is admitted into evidence without objection.

Exhibit 2521 is admitted into evidence without objection.

Exhibit 2527 is admitted into evidence without objection.

Exhibit 801 is offered. Defense Counsel objects. Counsel request to discuss this exhibit further.

The Jury is reminded of the admonition.

~*~*~*~*~ Recess – 10:47 a.m. ~*~*~*~*~

At 10:48 a.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys. The Jury is not present.

Discussion takes place with regard to the sidebar that took place and the ruling made about the testimony.

Discussion takes place with regard to Exhibit 801. The Court **ORDERS** that the information form is to be excised from Exhibit 801. With regard to the warrant form itself, the Court will admit it conditionally until people can verify the pagination and it will not actually be given to the jury.

Discussion takes place with regard to witnesses listening to bench conferences or reading the court reporter's laptop.

Further discussion takes place with regard to Exhibit 801 and possibly redacting similar exhibits.

~*~*~*~*~ Recess – 11:00 a.m. ~*~*~*~*~

At 11:18 a.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Theresa Kennedy resumes the witness stand and testifies further.

Exhibit 801 is offered. The Court **ORDERS** the State to redact the exhibit by removing five pages from the exhibit. Exhibit 801, as redacted, is admitted into evidence without objection. (Thereafter, off the record, the Court directs that the pages removed from the exhibit shall be returned to the State.)

Exhibits 525, 526 and 527 are admitted into evidence without objection.

The Court reads a stipulation to the Jury.

Exhibit 530 is admitted into evidence without objection.

~*~*~*~*~ Recess – 12:01 p.m. ~*~*~*~*~

At 1:19 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys. The Jury is not present.

Discussion takes place with regard to cross-examination of the current witness.

Discussion takes place with regard to upcoming witnesses.

Discussion takes place with regard to jury questions.

~*~*~*~*~ Recess – 1:24 p.m. ~*~*~*~*~

At 1:25 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Theresa Kennedy resumes the witness stand and testifies further.

The Jury is reminded of the admonition.

~*~*~*~*~ Recess – 2:11 p.m. ~*~*~*~*~

At 2:25 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Theresa Kennedy resumes the witness stand and testifies further.

Exhibit 2311 is published to the Jury.

Exhibit 2448 is admitted into evidence without objection.

Discussion takes place with regard to Exhibits 2649 and 2650.

The Jury is reminded of the admonition.

~*~*~*~*~ Recess – 3:26 p.m. ~*~*~*~*~

At 3:27 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys. The Jury is not present.

Discussion takes place with regard to questions from the Jury.

~*~*~*~*~ Recess – 3:29 p.m. ~*~*~*~*~

At 3:42 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys. The Jury is not present.

Discussion takes place with regard to questions from the Jury.

Discussion takes place with regard to scheduling issues.

~*~*~*~*~ Recess – 3:52 p.m. ~*~*~*~*~

At 3:58 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Theresa Kennedy resumes the witness stand and testifies further.

Exhibit 2520 is published to the Jury.

The witness is excused.

The Jury is reminded of the admonition.

~*~*~*~*~ Recess – 4:04 p.m. ~*~*~*~*~

At 4:05 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys. The Jury is not present.

Court and Counsel discuss scheduling issues.

Discussion takes place with regard to testimony of upcoming witnesses.

The Court states that it will read the information about previous rulings tonight and will issue a ruling tomorrow morning.

END TIME: 4:25 p.m.

cc: VS (e)
Dean Trebesch (Contract Administrator) (PD) (e)
Division 6
YCSO (e)
John Napper, Counsel for Renee Girard (e)
Christopher DuPont, Trautman DuPont PLC (e),
Counsel for Victims Charlotte and Katherine DeMocker